

## REMARKS

Claims 14 - 16 are pending in the application.

### REJECTIONS UNDER 35 U.S.C. § 103

Claims 14 - 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent No. 6,574,216 to Farris et al. Applicants respectfully traverse this rejection

In a Response of May 21, 2004, Applicants submitted the following remarks with regard to claims 14 – 16:

Farris discloses a packet data network with quality monitoring. A call through a packet network is monitored during the course of communication. In the event that service quality is degraded below a minimum acceptable level, the call is rerouted without termination over an alternate network (see, e.g., column 4, lines 46 – 63 and column 10, line 44 through column 11, line 21 of Farris).

In sharp contrast, according to the present invention as defined by new claims 14 – 16, a switch control part of the exchange causes the exchange to disconnect a connection to the Internet gateway via the first trunk and to release the first trunk, and a re-origination control part of the exchange then causes the exchange to re-originate a call of the calling party to the called party via the public telephone network via the second trunk by using a telephone number of the called party stored in memory. Farris fails to disclose or suggest Applicants' claimed switch control part and re-origination control part.

In the Office Action of July 14, the Examiner does not directly reply to these remarks. The Examiner finds claims 14 – 16 to be obvious in view of Farris, suggesting that Applicants' claimed invention differs from Farris only in the manner in which a user initiates switching of a call, and that this difference fails to rise to a level of separate patentability of the invention.

Applicants respectfully resubmit their remarks of May 21, and suggest that the differences cited extend beyond the manner in which a user initiates switching of a call. Specifically, in sharp contrast to the packet data network of Farris, Applicants' claimed switch control part causes the claimed exchange to disconnect a call made as an voice call through an Internet gateway via a first trunk and to release this first trunk before reoriginating the call as a

voice call over the PSTN via a second trunk. In sharp contrast, Farris teaches a method of changing the routing of a voice call in which the Internet call path is maintained until after a PSTN connection has been established for the voice call (see, e.g., column 11, lines 3 – 15 of Farris). Applicants' claimed approach improves trunk availability over the method of Farris.

In addition, Applicants submit that their claimed invention employs an architecture that is quite distinct from the system disclosed by Farris. Applicants' claimed exchange includes a switch and first and second trunks for switching the routing of an originating call between first and second networks interconnecting to the first and second trunks. A switch control for controlling the exchange to switch a route is coupled to a re-origination control part for reoriginating a call after the route has been switched. The reorigination control part causes the exchange to reoriginate a call using a telephone number of the called party that is stored in a memory of the exchange. Significantly, these elements of the exchange are separate and distinct from an Internet gateway that it connectable to the first trunk.

In sharp contrast, according to the system disclosed by Farris, call rerouting is initiated and controlled within an Internet gateway module that communicates with a switching exchange, presumably over a trunk-based interconnection (see, e.g., column 11, lines 4, 5 and 40 – 45 of Farris). In other words, unlike Applicants' claimed invention, the system of Farris requires both the Internet gateway module and the exchange to participate in rerouting the call. Applicants' claimed invention provides the advantage of requiring no controlling features to be provided in the Internet gateway, thereby allowing Applicants' claimed exchange to implement rerouting for Internet networks interfaced via conventional Internet gateways.


Accordingly, Applicants respectfully submit that their invention as claimed in claims 14 – 16 is not obvious in view of Farris, and that claims 14 – 16 are therefore allowable.

## CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 14 – 16 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean  
Reg. No. 44,528

## **CUSTOMER NUMBER 026304**

Katten Muchin Zavis Rosenman  
575 Madison Avenue  
New York, NY 10022-2585  
(212) 940-8729  
Docket No.: FUJI 16.863 (100794-09729)  
TJB:pm